

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

| | | |
|---------------------------|---|------------------|
| SOUTHERN PIONEER PROPERTY |) | |
| & CASUALTY INSURANCE CO., |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO. |
| |) | 2:23cv36-MHT |
| v. |) | (WO) |
| |) | |
| CHIQUITA VINSON, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

Now before the court is defendant Auto Funding Group, LLC's partial motion to dismiss plaintiff Southern Pioneer Property & Casualty Insurance Co.'s complaint to the extent it seeks a declaration as to its obligations to indemnify its insured. In response, Southern Pioneer Property & Casualty Insurance Co. concurs and requests that the court dismiss its indemnity claim without prejudice.

Accordingly, it is ORDERED that defendant Auto Funding Group, LLC's partial motion to dismiss (Doc. 11) is granted and that plaintiff Southern Pioneer Property & Casualty Insurance Co.'s complaint for declaratory

judgment to the extent it seeks a determination of its obligations to indemnify its insured is dismissed without prejudice. This case is not closed.

DONE, this the 14th day of February, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE